

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

TELEPHONE NUMBER PORTABILITY)

CC Docket No. 95-116

RM-8535

To: The Commission

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JUN 11 1997

Federal Communications Commission
Office of Secretary

COMMENTS

The Personal Communications Industry Association ("PCIA"), through counsel and pursuant to Section 1.106(g) of the Commission's Rules, 47 C.F.R. §1.106(g), hereby respectfully submits the following Comments in support of the Petition for Reconsideration filed by the American Mobile Telecommunications Association, Inc. ("AMTA") in the above-captioned proceeding.¹

AMTA has requested that the Commission reconsider its decision in the Memorandum Opinion and Order on Reconsideration ("MO&O") not to delay the effective date by which "covered" Specialized Mobile Radio ("SMR") Systems must implement the Commission's new number portability requirements.² AMTA notes that it (and other organizations, including PCIA) have requested that the Commission reconsider its definition of "covered SMR" and therefore, "... a significant number of SMR operators that ultimately may be deemed exempt from the number portability requirement, in the interim, will need to undertake implementation of this highly complex and likely very costly system capability."

¹62 FR 28703 (May 27, 1997).

²MO&O at para. 134.

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PCIA is in complete agreement with AMTA's Petition. Commission personnel have expressed support for amending the "covered SMR" definition in meetings with PCIA staff. Given this background, there is no rational basis for imposing a requirement now which the Commission has recognized will impose a burden "... comparable to wireline carriers..."³ on existing "covered SMR" systems, and later removing the requirement for some of the systems.

In paragraph 19 of Appendix D of the MO&O (the Supplemental Final Regulatory Flexibility Analysis), the Commission recognizes that the telephone number portability requirement will affect many small SMR operators. However, the text of the item fails to discuss the impact of the requirement on such entities. In fact, the impact will be significant, and while the expenditure of funds for system upgrades may not be a sufficient rationale for totally exempting any operator from the requirement, the expenditure of such funds cannot be justified when the requirement may ultimately be lifted for a significant number of the carriers.

PCIA is aware that the Commission has given the Chief of the Wireless Telecommunications Bureau the authority to extend the implementation date for a period up to nine months.⁴ However, this authority is intended for a situation where "[i]t becomes apparent that the wireless industry is not progressing as quickly as necessary..." and does not appear to cover the pendency of reconsideration requests.⁵ Further, this authority is discretionary, and is therefore insufficient to help operators which must start system planning now in order to be in compliance by the effective date.

³First Report and Order, CC Docket No. 95-116, 11 FCC Rcd 8352 (1996) at para. 162.


⁴MO&O, supra at para. 134.

⁵Id.

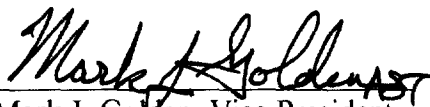
WHEREFORE, the premises considered, it is respectfully requested that the Commission GRANT the Petition for Reconsideration filed by the American Mobile Telecommunications Association in the above-captioned proceeding.

Respectfully submitted,

PERSONAL COMMUNICATIONS
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CERTIFICATE OF SERVICE

I, Ruth A. Buchanan, a secretary in the law office of Meyer, Faller, Weisman and Rosenberg, P.C. hereby certify that I have on this 11th day of June, 1997 sent via first class mail, postage prepaid, a copy of the foregoing Comments to the following:

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